

**UNITED STATES DEPARTMENT F C M MERC E****Patent and Trademark ffice**Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO./TITLE
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09/428,125 10/26/99 AGARWAL

V MI22-1299

021567
WELLS ST JOHN ROBERTS GREGORY AND MATKIN
SUITE 1300
601 W FIRST AVENUE
SPOKANE WA 99201-3828

NOT ASSIGNED

2825

DATE MAILED:

11/18/99

NOTICE OF INCOMPLETE APPLICATION

A filing date has NOT been assigned to the above-identified application papers for the reason(s) indicated below.

If all required items on this form are filed, the total amount owed by applicant as a small entity (statement filed) non-small entity is \$ 130.

All of the items indicated below in "A" must be submitted within TWO MONTHS of the date of this Notice, or proceedings on the application will be terminated (37 CFR 1.53(e)). A newly executed oath or declaration in compliance with 37 CFR 1.63 covering these items is also required.

The filing date will be the date of receipt of all items required below in "A." Any assertions that these items required were submitted, or are not necessary for a filing date, must be by way of petition directed to the attention of the Office of Petitions accompanied by the \$130.00 petition fee (37 CFR 1.17(i)). If the petition states that the application is complete, a request for refund of the petition fee may be included in the petition.

A. The above-identified application papers are not entitled to a filing date because:

1. The specification (description and claims):
 a. is missing.
 b. does not include a written description of the invention.
 c. does not include at least one claim as prescribed by 35 U.S.C. 112.
A complete specification (including at least one claim in a nonprovisional application) as prescribed by 35 U.S.C. 112 is required.

2. The application was deposited without drawings. 35 U.S.C. 113 (first sentence) requires a drawing "where necessary for the understanding of the subject matter sought to be patented."
Applicant should reconsider whether drawings are necessary under 35 U. S. C. 113 (first sentence).

B. Additional observations on the above-identified application papers:

1. The statutory basic filing fee is:
 missing
 insufficient
Applicant must submit \$ _____ to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27(b)).

2. The following additional claim fees are due:
\$ _____ for _____ total claims over 20.
\$ _____ for _____ independent claims over 3.
\$ _____ for multiple dependent claim surcharge.
Applicant must either submit the additional claim fees or cancel additional claims for which fees are due.

3. A \$50.00 processing fee is required since your check was returned without payment (37 CFR 1.21(m)).
 4. The application was filed in a language other than English.

Applicant must file a verified English translation of the application, the \$130.00 set forth in 37 CFR 1.17(k), unless previously submitted, and a statement that the translation is accurate (37 CFR 1.52(d)).

5. Pages _____ of the specification are missing.
 6. Figures _____ described in the specification are missing.
 7. Other: Declaration is missing

Direct the reply and any questions about this notice to "Attention: Box Missing Parts."

Enclosed:

"General Information Concerning Patents." See page _____.
 Other: _____

00000045 09428125
01/21/2000 TTRAN1
01 FC:18 1999 453-211
01 FC:18

A copy of this notice MUST be returned with the reply.

P. Miller
Customer Service Center

Initial Patent Examination Division (703) 308-1202

FORM PTO-1123 (REV.9-98)

EL169868028

PART 2 - COPY TO BE RETURNED WITH RESPONSE

1-18-00

Sector 4
JEB

Practitioner's Docket N . MI22-1299

EL 169868028

PATENT



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Agarwal et al., Vishnu K.

Application No.: 09/428,125

Group No.: 2825

Filed: 10/26/1999

Examiner: Unassigned

For: Capacitors and Methods Of Forming Capacitors

Assistant Commissioner for Patents
Washington, D.C. 20231

**PETITION TO ESTABLISH PRIOR RECEIPT IN THE P.T.O.
OF ITEMS CONSIDERED AS OMITTED BY THE
P.T.O.—RESPONSE TO "NOTICE OF OMITTED ITEMS"**

1. This is in response to the "NOTICE OF OMITTED ITEMS" mailed for this application on November 18, 1999. A copy of the "NOTICE OF OMITTED ITEMS" is enclosed.
2. Applicant asserts that the items indicated as omitted were in fact deposited with the P.T.O. with the original application papers filed on October 26, 1999.

CERTIFICATION UNDER 37 C.F.R. 1.10*

(Express Mail label number is mandatory.)

(Express Mail certification is optional.)

I hereby certify that this correspondence and the documents referred to as attached therein are being deposited with the United States Postal Service on this date 1-17-00, in an envelope as "Express Mail Post Office to Addressee," Mailing Label Number EL169868028 US, addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

Kris Chapman
(type or print name of person mailing paper)

Kris Chapman
Signature of person mailing paper

WARNING: Certificate of mailing (first class) or facsimile transmission procedures of 37 C.F.R. 1.8 cannot be used to obtain a date of mailing or transmission for this correspondence.

***WARNING:** Each paper or fee filed by "Express Mail" must have the number of the "Express Mail" mailing label placed thereon prior to mailing. 37 C.F.R. 1.10(b).

"Since the filing of correspondence under § 1.10 without the Express Mail mailing label thereon is an oversight that can be avoided by the exercise of reasonable care, requests for waiver of this requirement will not be granted on petition." Notice of Oct. 24, 1996, 60 Fed. Reg. 56,439, at 56,442.

3. In accordance with the requirements of the Notice of June 5, 1996, 61 Fed. Reg. 30,041-30,046, applicant hereby:

- A. Petitions under 37 C.F.R. 1.53(e) for a review of the determination that the items in issue were omitted, and subsequently determines that those items were in fact included with this divisional application as filed on October 26, 1999.
- B. Submits the petition fee under 37 C.F.R. 1.17(i).
- C. Submits the attached evidence of the deposit of the items in issue, listed as follows:
 - 1) Ex Post Declaration of Express Mailing bearing Express Mail No. EL373342110, listing as enclosed a true copy of the parent application comprising title page, plus 22 total pages of specification, claims and abstract; drawings (Figs. 1-5), and declaration;
 - 2) PTO Return Receipt Postcard, bearing Express Mail No. EL373342110, also listing as enclosed a true copy of the parent application comprising title page, plus 22 total pages of specification, claims and abstract; drawings (Figs. 1-5), and declaration;
 - 3) PTO Utility Patent Application Transmittal Form PTO/SB/05, listing as enclosed the specification of 22 total pages (plus the title page), 5 sheets of drawings, and 2 sheets of Declaration (copy from prior application); and
 - 4) U.S. Express Mail Receipt No. EL373342110 showing that the date of deposit, and which is the Express Mail Receipt number shown on both the Ex Post Declaration of Express Mailing and the PTO Return Receipt Postcard.
- D. Out of an abundance of caution, submits another true copy of the parent application comprising title page, plus 22 total pages of specification, claims and abstract; drawings (Figs. 1-5), and declaration as was filed with the U.S. Patent Office on October 26, 1999, and as listed on the Ex Post Declaration of Mailing, and the PTO Return Receipt Postcard.

4. Fee Payment

This is a **nonprovisional** application.

The petition fee, 37 C.F.R. 1.17(i), is paid as follows:

A check is attached in the sum of \$ 130.00.

A duplicate of this petition is attached.

Please charge Account No. 23-0925 for any fee deficiency for this petition.

5. Request for Refund

It is respectfully requested that, upon grant of the petition under 37 C.F.R. 1.53(e), the petition fee be refunded by deposit to Account No. 23-0925.

1-17-00

DATED

Customer No.: 021567



SIGNATURE OF PRACTITIONER

Mark S. Matkin, Reg. No. 32,268

Wells, St. John, Roberts, Gregory &
Matkin P.S.

W. 601 First Ave., Suite 1300

Spokane, WA 99201-3828

Tel. No.: (509) 624-4276

EL373342110

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE #3

Priority APPLICATION SERIAL NO. 09/059,057
 Priority FILING DATE April 10, 1998
 INVENTORSHIP Vishnu K. Agarwal et al.
 ASSIGNEE Micron Technology, Inc.
 Priority GROUP ART UNIT 2822
 Priority EXAMINER M. Guerrero
 ATTORNEY'S DOCKET NO. MI22-1299
 TITLE: Capacitors and Methods of Forming Capacitors

EX POST DECLARATION OF EXPRESS MAILING

I hereby declare that I have deposited the below-listed papers with the United States Postal Service "Express Mail Post Office to Addressee" service, addressed and posted as indicated below, in compliance with 37 CFR 1.10. The Express Mail label No. has been placed on one or more of the papers listed.

Express Mail Number: EL373342110USDate of Deposit: October 26, 1999Time of Deposit: 4:31 AM/PMDeposited By: Delivery to Postal Employee
 Placed in Drop BoxAddressee: Assistant Commissioner For Patents, Box Patent Application,
 Washington, D.C. 20231Place of Deposit:

U.S. Post Office (Paulsen Bldg. Br.)
 421 West Riverside, Room 201
 Spokane, Washington 99201
 Last Scheduled Drop Box Pickup: 4:40 pm

U.S. Post Office (Riverside Station)
 904 West Riverside
 Spokane, Washington 99201
 Last Scheduled Drop Box Pickup: 5:00 pm

U.S. Post Office (Terminal Annex)
 703 East Trent
 Spokane, Washington 99202
 Last Scheduled Drop Box Pickup: 9:30 pm

U.S. Post Office _____ Branch

 Last Scheduled Drop Box Pickup: _____ am/pm

Listing Of Items Enclosed In Mailing:

1. PTO Return Postcard Receipt.
2. A \$760.00 check.
3. Utility Patent Application Transmittal PTO Form SB/05.
4. Fee Transmittal PTO Form SB/17 in duplicate.
5. True copy of parent application comprising Title page, plus 22 total pages specification, claims and abstract, drawings (Figs. 1-5) and declaration.
6. Substitute Drawing Request (including 3 sheets of formal drawings).
7. Preliminary Amendment.
8. Information Disclosure Statement including PTO-1449.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statement may jeopardize the validity of the application or any patent issued therefrom.

Dated this 26th day of October, 1999.Dated at Spokane, Washington

(Signature)

(Kris Chapman)

COPY EL169868028



jc542 U.S. PTO
09/428125

EL373342110



10/26/99

M122-1299 Micron Technology, Inc. 10/26/99
The stamp of the U.S. Patent and Trademark Office acknowledges receipt of the following papers relating to the Patent application of Vishnu K. Agarwal et al., Serial No. 09/059,057, filed April 10, 1998, entitled "Capacitors and Methods of Forming Capacitors".

1. PTO Return Postcard Receipt.
2. A \$760.00 check.
3. Utility Patent Application Transmittal PTO Form SB/05.
4. Fee Transmittal PTO Form SB/17 in duplicate.
5. True copy of parent application comprising title page, plus 22 total pages specification, claims and abstract; drawings (Figs. 1-5) and declaration.
6. Substitute Drawing Request (including 3 sheets of formal drawings).
7. Preliminary Amendment.
8. Information Disclosure Statement including PTO - 1449.

COPY EL169868028